

## REMARKS

Claims 11-18, 20, 71 and 75 are pending. Claims 1-10, 19, 21-70, 72-74, 76-80 are canceled.

Support for the amendment to claim 11 is found in as-filed, now canceled claim 19.

**Claims 1,5,11-14,17,18 stand rejected under 35 USC 102 as being anticipated by US Patent No. 4, 762, 130 (Fogerty).**

Because claims 1-5 have been canceled, the rejection of these claims is now moot and should be withdrawn.

As claim 11 has been amended to include the limitations of claim 19 (which was not rejected for anticipation), the anticipation rejection of claims 11-14, 17 and 18 should be withdrawn.

**Claims 15 and 16 stand rejected under 35 USC 103 as being unpatentable over Fogerty in view of US patent No. 5,411,509(Hilal).**

Because these claims also depend from claim 11, the anticipation rejection of claims 15-16 should be withdrawn for the reason provided above.

**Claims 19, 20, 71 and 75 stand rejected under 35 USC 103 as being unpatentable over Fogerty in view of US Patent No. 5,944,687 (Benett).**

Applicants respectfully traverse. Each of these pending claims (11-18, 20, 71, 75) requires the energy-delivering/ultrasound device a) to be located in the longitudinal portion of the device – that is, between the proximal and distal end portions, and b) to be adapted to deliver the energy/ultrasound through the outer surface of the longitudinal portion – not out of the end of the device.

In formulating the rejection, the Examiner noted that Fogerty does not teach an energy delivering means, but also noted that Benett teaches an ultrasound transducer on an analogous catheter, and took the position that it would have been obvious to provide an ultrasound transducer as taught by Benett on the catheter of Fogerty in order to more completely and effectively treat vascular blockage.

Applicants note that the disclosure of Benett is restricted essentially to providing an ultrasound device on the end of the catheter.

It is an object of the present invention to provide an opto-acoustic transducer located at the end of a fiber optic within a catheter for use in the removal of either partial or complete vascular blockage, or other luminal occlusions.(col. 2, lines 11-15)...The problems of energy transmission through the catheter are addressed by using an optical fiber to guide laser pulses to the distal end (col. 2, lines 20-22)... The invention is a laser light stimulated opto-acoustic transducer operatively located at the end of a fiber optic, for use in ultrasound thrombolysis and angioplasty (col. 3, lines 9-10).

It is clear that Benett disclosure requires its ultrasound device to be located at the distal end of the device. To provide otherwise would be to undermine the intent of Benett. Therefore, if the Examiner's logic is correct, then the skilled artisan would have modified Fogerty by providing an ultrasound device on the end of the Fogerty catheter.

Since the present invention requires the energy-delivering/ultrasound device to be located in the longitudinal portion, and not at the ends, the skilled artisan making the proposed combination does not arrive at the present invention. For this reasons, the present rejection should be withdrawn.

In addition, please provide any additional extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,

 2.23-05

Thomas M. DiMauro  
Attorney for Applicants  
Reg. No. 35,490  
Johnson & Johnson  
1 Johnson & Johnson Plaza  
New Brunswick, NJ  
(508) 880-8401